

Entered on Docket

June 10, 2021

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: June 10, 2021

DENNIS MONTALI
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC COMPANY,

Debtors.

- Affects PG&E Corporation
- Affects Pacific Gas and Electric Company
- Affects both Debtors

* All papers shall be filed in the Lead Case,
No. 19-30088 (DM).

Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administered)

**ORDER APPROVING
STIPULATION MODIFYING
PLAN INJUNCTION; GRANTING
RELATED RELIEF [Montellano]**

[Related to Docket No. 10762]

1 The Court having considered the *Stipulation Modifying Plan Injunction; Granting Related*
2 *Relief [Montellano]*, dated June 8, 2021 [Dkt. No. 10762] (the “**Stipulation**”),¹ entered into
3 between PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the
4 “**Utility**”), as reorganized debtors (collectively, the “**Debtors**” and as reorganized pursuant to the
5 Plan, the “**Reorganized Debtors**”) in the above-captioned cases (the “**Chapter 11 Cases**”), on
6 the one hand, and Max M. Montellano and Cheryl Montellano (“**Claimants**”), on the other hand,
7 by and through their respective counsel, and pursuant to such Stipulation and agreement of the
8 Parties, and good cause appearing,

9 IT IS HEREBY ORDERED THAT:

10 1. The Stipulation is approved.

11 2. The Utility Proof of Claim was timely filed.

12 3. The Plan Injunction is modified solely to permit Claimants to liquidate the Utility
13 Proof of Claim by prosecuting the State Court Action against the Utility through final judgment
14 and any appeals thereof, but not to permit enforcement of any such judgment, which judgment, if
15 any, shall be recoverable solely as a General Unsecured Claim in accordance with the Plan and
16 through the claims reconciliation process in these Chapter 11 Cases.

17 4. Claimants shall promptly dismiss the State Court Action as to Utility’s employee
18 Roben with prejudice, and shall not sue any other individual employees or former employees of
19 either Reorganized Debtor or any affiliated corporate defendant, in the State Court Action or in
20 any other action or proceeding, on any of the claims alleged in the State Court Action or the
21 Utility Proof of Claim, or on any other claims based on or arising from the same or materially the
22 same common nucleus of facts, events, and circumstances alleged in the State Court Action or the
23 Utility Proof of Claim.

24 5. The Stipulation shall be deemed an objection by the Reorganized Debtors to the
25 Utility Proof of Claim, and the Utility Proof of Claim shall be considered a Disputed Claim. The

26
27 ¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to
them in the Stipulation.
28

1 Utility Proof of Claim shall be deemed an Allowed Claim on the earlier of (a) the date on which the
2 Utility Proof of Claim becomes an Allowed Claim pursuant to written agreement between the
3 Claimants and the Reorganized Debtors, or (b) as provided in a final judgment in the State Court
4 Action, sixty (60) days after either Party files notice in this Court certifying accurately that a
5 judgment liquidating the underlying claim has been entered in the State Court Action and all appeals
6 from such judgment have been concluded or the time to appeal has expired, provided that if, as
7 permitted by paragraph 6(a) hereof, the Reorganized Debtors further object to the Utility Proof of
8 Claim on any specific grounds not precluded by a final judgment in the State Court Action, the
9 Utility Proof of Claim shall remain Disputed and shall not be Allowed without further Order of this
10 Court.

11 6. Nothing herein shall be construed to be:

- 12 a. a waiver by the Debtors or the Reorganized Debtors, as applicable, or any other
13 party in interest of any right to object to the Utility Proof of Claim on any grounds
14 not precluded by paragraph 2 of this order or by a final judgment in the State
15 Court Action, or
- 16 b. a waiver by any party of any claim or defense in the State Court Action other than
17 as provided in paragraph 4 above or paragraph 7 below.

18 7. For purposes of conduct of the State Court Action, the Parties through their counsel
19 may enter into other stipulations in or with regard to the State Court Action, including without
20 limitation stipulations relating to discovery matters, motion practice, the form or presentation of
21 evidence, or the conduct of the trial. Such stipulations shall be enforceable by the State Court (not
22 this Court) in accordance with statutes, rules and procedures applicable to the State Court Action.

23 8. The Stipulation is binding on the Parties and each of their successors in interest.

24 9. The Stipulation constitutes the entire agreement and understanding of the Parties
25 relating to the subject matter thereof and supersedes all prior agreements and understandings relating
26 to the subject matter thereof.

10. This Court shall retain jurisdiction to resolve any disputes or controversies arising from the Stipulation or this Order, except as otherwise provided in paragraph 7 above.

*** END OF ORDER ***

Approved:

Dated: June 8, 2021

KELLER BENVENUTTI KIM LLP

/s/ Peter J. Benvenutti

Peter J. Benvenutti
*Attorneys for Debtors and
Reorganized Debtors*

Dated: June 8, 2021

GOUGH & HANCOCK

/s/ *Gayle Gough*

Gayle Gough
*Attorneys for the Utility and Michael
John Roben in State Court Action*

Dated: June 8, 2021

FARMER & READY

/s/ Paul F. Ready

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Dated: June 8, 2021

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